

**Tennessee Board of Architectural and Engineering Examiners  
Board Meeting  
Andrew Johnson Tower  
Nashville, Tennessee**

July 10, 2008

**Board Members Present**

Bob Campbell, Professional Engineer  
James Hastings, Registered Architect  
Philip Lim, Professional Engineer  
Bill Lockwood, Registered Landscape Architect  
Dana Miller, Registered Interior Designer  
David Schuermann, Registered Architect  
Bill Stockard, Professional Engineer  
Richard Thompson, Registered Architect  
Brenda Wood, Public Member

**Associate Board Members Present**

Dennis Henderson, Professional Engineer  
Carlton Norris, Professional Engineer  
Raymond White, Professional Engineer

**Staff Present**

Robert Herndon, Legal Counsel  
John Cothron, Executive Director  
Wanda Phillips, Administrative Manager  
Wanda Garner, Administrative Assistant

**Guests**

The following guests attended all or part of the Board meeting:  
Al Bodie, American Society of Landscape Architects, Tennessee Chapter (TN-ASLA)  
Candy Toler, Tennessee Society of Professional Engineers/American Council of  
Engineering Companies of Tennessee (TSPE/ACEC-TN)  
Gary Gannick, P.E., Smith Seckman Reid, Inc.  
Rob Barrick, P.E., Smith Seckman Reid, Inc.

**CALL TO ORDER**

Jim Hastings, chair, called the meeting to order at 9:05 a.m. Roll call determined that a quorum was present.

No changes were made to the agenda. Mr. Hastings asked Mr. Cothron to report on the NCARB Annual Meeting at the appropriate time.

**CONSENT AGENDA**

*Approval of Minutes (attached)*

Mr. Campbell, seconded by Mr. Lim, moved to accept the minutes of the May 22, 2008 meeting as written. The motion passed unanimously.

*Approval of Staff Complaint Report (attached)*

Mr. Lim, seconded by Mr. Stockard, moved to accept the recommendation presented in the Complaints for Board Decision. The motion passed unanimously.

**DIRECTOR'S REPORT**

Mr. Cothron submitted the following report:

- Jim Hastings, Rick Thompson, and he attended the NCARB Annual Meeting in Pittsburgh on June 25-28.
- The Board office has moved to the 8<sup>th</sup> floor of the Andrew Johnson Tower. The mailing address will remain unchanged.
- Since the Land Surveyors Board is now located on the 2<sup>nd</sup> floor of the Johnson Tower, Board staff is no longer providing as much administrative support to that program.
- A draft of the Spring/Summer 2008 newsletter will be completed soon.
- A request to attend the NCEES Annual Meeting in Minneapolis on August 13-16 was approved. Philip Lim, Dennis Henderson, and Mr. Cothron will be attending.
- A request has been submitted for Bill Lockwood and Mr. Cothron to attend the CLARB Annual Meeting in San Diego on September 4-6, 2008.
- The rules approved at the last meeting have been filed with the Attorney General's office.

*Complaint Data (attached)*

Complaint data was submitted for informational purposes only.

The Board expressed its desire to compare investigative costs with civil penalties collected over the last five years at the October Planning Session.

**OLD BUSINESS**

*Action Items (attached)*

Mr. Cothron and Mr. Herndon gave verbal notification to the Land Surveyor's Board that the Architects and Engineers Board rescinded its policy regarding the Delineation of Engineering and Surveying; however, Mr. Herndon advised the Board to reinstate the policy with revisions (see agenda and attached policy).

Mr. Henderson reported that the Continuing Education Committee discussed whether time spent serving on a board or committee may be claimed as professional development hours. The committee asked Mr. Cothron to ask other jurisdictions for their guidelines regarding this subject. The committee will schedule a meeting in September to formulate recommendations and draft rule changes to be presented at the October Board meeting.

The Continuing Education Committee recommended that the Board continue to allow registrants to claim carryover professional development hours.

9:20—Mr. Schuermann arrived.

*Proposed Bylaws (attached)*

Mr. Cothron directed the Board's attention to the following provisions in the proposed bylaws, which the Board may wish to omit:

- Section 3.05 Meeting Procedures—Votes may not be taken on issues that were not placed on the agenda prior to the meeting.
- Section 8.01 Amendments—states that the bylaws may be amended "provided that the proposed change was placed on the agenda prior to the meeting."

He also added the following sentence to Section 6.06 Law and Rules/Policies Committee: The committee shall also track and review legislation affecting the Board and make position recommendations to the full Board.

Regarding Section 3.04 Teleconferences, Mr. Herndon advised that the Open Meetings Act requires the Board to meet physically unless a physical presence by a quorum of Board members is not practical and the necessity for a teleconference can be demonstrated.

Mr. Hastings volunteered to draft some minor changes to the Board's seal.

Further discussion of the proposed bylaws was deferred to the next meeting.

*Sign Exemptions (attached)*

Mr. Thompson, seconded by Ms. Wood, moved to approve the addition of the following words to number seven (7) of the Seal Exemptions Clarification Policy: "...and maintenance or repair of an existing sign that does not require technical calculation." The motion passed unanimously. Mr. Hastings mentioned that the recent failure of a sign on Interstate 65 demonstrates that sign design clearly affects the public's health, safety and welfare.

*Delineation of Engineering and Surveying (attached)*

Because the policy contains historical information, Mr. Campbell, seconded by Ms. Wood, moved to reinstate the Delineation of Engineering and Surveying Policy with the following changes:

Number three (3)—delete the last sentence.

Number four (4)—delete the first sentence and insert the synopsis of the Attorney General's opinion.

The motion passed unanimously.

**PROFESSIONAL SOCIETY REPORTS**

*Al Bodie*, TN-ASLA, reminded Board members of the Annual Conference of Landscape Architecture & Urban Forestry to be held in Knoxville on September 11-12, 2008. He stated that continuing education credits will be available and that information about the meeting may be found on the Internet at [www.natureofdesign.org](http://www.natureofdesign.org).

*Candy Toler*, TSPE/ACEC-TN, reported that

- TSPE recently recognized Mr. Lim for his contributions to TSPE and the engineering profession;
- Engineers' Day on the Hill is scheduled for March 3, 2009, and she requested that the Board meet in late February to adopt positions on legislation affecting the board;

- TSPE will offer a PE Civil exam review course in Nashville and Knoxville this fall;
- ACEC-TN is celebrating its 40th anniversary;
- TSPE and ACEC-TN recommend the adoption of the International Building and Fire Codes, and she encouraged Board members to contact their legislators; and
- AIA TN, (American Institute of Architects Tennessee) supports this recommendation.

It was noted that Leslie Newman, Commissioner of the Department of Commerce and Insurance (as Commissioner she is also the State Fire Marshal), recommends the adoption of the International Building and Fire Codes.

Mr. Schuermann, seconded by Mr. Stockard, moved that the Board endorse the adoption of the International Building and Fire Codes. The motion passed unanimously.

#### *Fire Prevention Division Proposed Rules*

Seeing a potential conflict between a proposed amendment to paragraph (3) of rule 0780-02-03-.02 and the law and policies, the Board will submit the following request for the rulemaking hearing being held on July 30, 2008:

We would appreciate your comment on the fact that the Board believes the proposed change to rule 0780-02-03-.02(3), which defines one- and two-family dwellings as having less than twelve (12) sleeping/dwelling units, is in conflict with the following statutes and policies of the Board, which govern the responsibilities of the technical design professional:

- Tenn. Code Ann. § 62-2-102(b)
- The "Seal Exemptions Clarification" and "Townhouses" policies.

Mr. Schuermann pointed out the need for clarification of the last sentence of the proposed amendment to subparagraph (b) of paragraph (1) of rule 0780-02-03-.01.

Mr. Cothron and Mr. Herndon will draft comments on the proposed rules and e-mail them back to Board members for approval before forwarding them to the Fire Prevention Division.

#### **PERSONAL APPEARANCE—Gary Gannick/Rob Barrick**

Mr. Gannick and Mr. Barrick described to the Board methods by which designers and contractors, as a team, use electronic technology for "Integrated Project Delivery." It was noted that the board may need to rethink its definition of "responsible charge."

Break 10:10-10:20 a.m.

#### **NEW BUSINESS**

##### *Report on NCARB Annual Meeting (attached)*

A written report on the NCARB Annual Meeting was submitted.

##### *Committee Appointments*

Mr. Hastings honored Mr. Lim's request to be removed from the Law and Rules/Policies Committee. At Mr. Lim's suggestion, Mr. Hastings appointed Mr. Campbell to that committee. All other committees remain unchanged.

**LEGAL CASE REPORT** (presented by Robert Herndon) (attached)

1. *Case #L08-AEL-RBS-2008010061* *Complaint #200801006*  
Mr. Campbell, seconded by Mr. Lockwood, moved to dismiss and close the case for lack of grounds to prosecute. The motion passed unanimously.
2. *Case #L08-AEL-RBS-2008010062* *Complaint #200801006*  
Mr. Lockwood, seconded by Mr. Campbell, moved to dismiss and close the case for lack of grounds to prosecute. The motion passed unanimously.

Mr. Stockard, seconded by Mr. Thompson, moved to adjourn. The motion passed unanimously. The meeting adjourned at 11:25 a.m.

**ATTACHMENTS**

Minutes of the May 22, 2008 Meeting  
Staff Complaint Report  
Complaint Data  
Action Items  
Proposed Bylaws  
Sign Exemptions  
Delineation of Engineering and Surveying  
NCARB Annual Meeting Report  
Notice of Rulemaking Hearing – Division of Fire Prevention  
Legal Case Report